S.B.Civil Misc. Appeal No.805/2006

State of Rajasthan and another vs. Amba Lal and another.

Date : 3.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. OP Boob, Dy.GA, for the appellants.

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Heard learned counsel for the appellants.

This appeal is directed against the award passed by the Workmen's Compensation Commissioner, Bhilwara dated 6.6.2005.

It appears from the facts of the case that the wife of claimant/respondent died while in service and the learned Commissioner, after taking note of the fact that the respondent/husband of the deceased was a petty ice-cream vendor, was dependent upon the income of the wife and, therefore, was entitled to compensation of Rs.1,77,220/- along with interest of Rs.72,439/-.

Having gone through the reasons given by the learned Commissioner, I do not find that the learned Commissioner has committed any error of fact or law in passing the impugned award. It may be true that the husband was a petty ice-cream vendor and it is admitted fact that he was not having his own shop and he was selling the ice-cream in the street and that work was only of a temporary nature and in

such circumstances, the learned Commissioner has considered the husband of deceased wife dependent upon deceased wife – employee with the appellant and has thereafter, correctly awarded the compensation.

In view of the above, this appeal, having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya